

EXHIBIT 2

NO. 16-07-08239**John J. McPhillips**
Plaintiff,§ **IN THE DISTRICT COURT**

§

§

V.§ **IN AND FOR**

§ Montgomery County - 284th Judicial District Court

§

Conroe I.S.D and William Harness
Defendants.§ **MONTGOMERY COUNTY, TEXAS****PLAINTIFF'S ORIGINAL PETITION****TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES John J. McPhillips, hereinafter called Plaintiff, complaining of and about Conroe Independent School District and William Harness, hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, John J. McPhillips, an Individual whose address is 18898 F.M. 1484 Conroe, Texas 77303.

3. Defendant Conroe I.S.D, is a public School District organized and operating under the laws of the State of Texas and may be served with process through Conroe ISD Superintendent Don Stockton at the following address at 3205 W. Davis Conroe, Conroe Texas . Defendant William Harness is the Chief of Conroe ISD Police Department. He is sued in his Individual capacity and in his official capacity for claims brought pursuant to TCHRA and the Texas Labor Code section 21.125 and the ADEA , 42 U.S.C 2000E-5(B). In all aspects both Defendants acted under the color of the laws of the state of Texas. Defendant may be served at 3205 W. Davis Conroe, Texas 77306.

JURISDICTION AND VENUE

4. The subject matter in controversy is within the jurisdictional limits of this court.

5. Plaintiffs seek:

a. monetary relief over \$200,000.00.

6. This court has jurisdiction over the parties because Defendant is a Texas resident and bringing this action under the TCHRA , Texas Labor Code sec. 21.125 for Discriminatory employment actions taken against Plaintiff with age as a motivating factor.

7. Venue in Montgomery County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county and the Defendant committed unlawful employment decisions in Montgomery County in violation of the TCHRA and at least one of the Defendants are residents or have their principle place of business in Montgomery County , Texas.

FACTS

8. Plaintiff has been employed by the Defendant since 1999. On July 15, 2013 Chief William Harness of Conroe I.S.D. demoted Plaintiff from his position of Explosive Detection K-9 unit because Mr. Harness wanted to “add long term longevity” to the position. Plaintiffs’ position was given to a younger, less experienced Individual. Mr. McPhillips was 66 years old at the time of this adverse employment action taken against him by Mr. Harness and Conroe ISD. Furthermore, Defendant has stripped Plaintiff of all supervisory duties and reduced his compensation.

PROCEEDURAL REQUIREMENTS

Plaintiff has satisfied all procedural requirements prior to commencing this action. Plaintiff

received his right to sue letter from the EEOC.

PLAINTIFF'S FIRST CAUSE OF ACTION

This claim arises under the TCHRA and Texas Labor Code Section 21.125 which states " an unlawful employment practice is established when the complainant demonstrates that age was a motivating factor for an employment practice." In the case at hand Plaintiff's age (66) was obviously a motivating factor when Chief William Harness told Plaintiff that he was being demoted "to add longevity" to the position and subsequently hired a younger, less qualified Individual to replace Plaintiff. Additionally, Plaintiff's Age was a motivating factor when Defendantst stripped Plaintiff of his Supervisory duties and reduced his pay.

By engaging in the foregoing conduct, Defendants have violated Plaintiff's rights under the TCHRA and Texas Labor Code section 21.125.

By acting in the aforescribed manner, Defendants acted with malice or with reckless disregard for Plaintiff's rights causing Plaintiff loss of pay, mental anguish and to incur attorney fees in the amount of 300,000.

PLAINTIFF'S SECOND CAUSE OF ACTION

This claim arises under the ADEA 42 U.S.C. 2000E-5B, 29 U.S.C 626, 42 U.S.C. 12117 because Age was the but- for cause of the alleged adverse employment action.

Plaintiff would not have been demoted or stripped of his Supervisory duties but for his Age (66). Mr. Harness Made this very clear when he told Plaintiff that he was being demoted and stripped of his Supervisory duties "to add longevity to the position" and subsequently hired a younger , less qualified Individual to fill Plaintiff's position.

DAMAGES

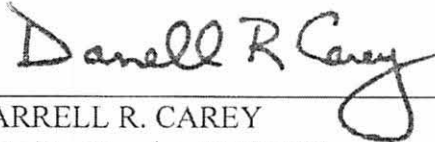
Plaintiff has suffered mental anguish, loss of compensation and has been required to incur substantial Attorney fees.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, John J. McPhillips respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

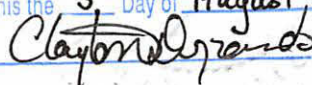
Respectfully submitted,

Of Counsel:


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ATTORNEY FOR PLAINTIFF

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

I, Barbara Gladden Adamick, do hereby
Certify 4 pages in Cause #16-07-08239
as being a true and correct copy of the
Original Record now on file in the District
Clerk's Office of Montgomery County, Texas.
Witness My Official Seal of Office in Conroe, Texas
On This the 5 Day of August, 2016
By: , Deputy